

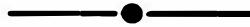
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2012 APR -3 PM 5: 16

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4486

(By Delegates Miley, Hatfield, Ellem, Poore, Reynolds,
Hunt, Walters and Manchin)



Passed March 10, 2012

To Take Effect Ninety Days From Passage

HB 4486

FILED
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COMMITTEE SUBSTITUTE
FOR
OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 4486

(BY DELEGATES MILEY, HATFIELD, ELLEM, POORE,
REYNOLDS, HUNT, WALTERS AND MANCHIN)

[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended,
by adding thereto a new section, designated §33-6F-2, relating
to the disclosure of certain information regarding liability
insurance coverage.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §33-6F-2, to read as
follows:

ARTICLE 6F. DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION.

§33-6F-2. Disclosure of certain insurance information required.

1 Notwithstanding the provisions of section one, article six-
2 f, of this chapter:

3 (a) Each insurer that may provide personal lines liability
4 insurance coverage as that term is defined in section nine,
5 article twelve of this chapter to pay all or a portion of a claim
6 asserted against an insurance policy insuring a motor vehicle

7 shall provide, within thirty days of its receipt of a written
8 request from a claimant's attorney who has given written
9 notice that he or she represents the claimant: (1) A response
10 providing the following information relating to each of the
11 insurer's known policies of insurance, including excess or
12 umbrella insurance, which does or may provide liability
13 coverage for the claim:

14 (A) The name of the insurer;

15 (B) The name of each named insured of the subject
16 policy; and

17 (C) The limits of any motor vehicle liability insurance
18 policy at the time of the events that are the subject of the
19 claim; or

20 (2) The declarations page of any motor vehicle liability
21 policy applicable at the time of the events that are the subject
22 of the claim, appropriately redacted to comply with
23 applicable privacy laws or regulations;

24 (b) Any written request by the claimant's attorney under
25 this section must include: (1) The date and location of the
26 events that are the subject of the claim; (2) the name and, if
27 known, the last known address of the insured; (3) a copy of
28 the accident or incident report, if any; (4) the insurer's claim
29 number; (5) a good faith estimate and documentation of all of
30 the claimant's medical expenses if any and any wage loss
31 documentation as of the date of the request, if any; and (6)
32 documentation as of the date of the request of any and all
33 property damage.

34 (c) Disclosure of the information required by subsection
35 (a) of this section shall not constitute an admission that the
36 alleged injury or damage is subject to the policy, nor shall

37 such disclosure waive any reservation of rights an insurer
38 may have.

39 (d) No information disclosed by any party pursuant to this
40 section shall be, by reason of such disclosure, admissible as
41 evidence at trial.

42 (e) An insurer's compliance with this section does not
43 constitute a violation of this article, or subsection twelve,
44 section eleven, article six of this chapter.

45 (f) An insurer that fails to comply with this section is
46 subject to a penalty of five hundred dollars, plus reasonable
47 attorneys' fees and expenses incurred in obtaining disclosure
48 of the information required by subsection (a) of this section.
49 This penalty is the sole and exclusive remedy for an insurer's
50 failure to comply with this section.

FILED

5 [Enr. Com. Sub. for H. B. 4486

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

OFFICE WEST VIRGINIA
SECRETARY OF STATE



Chairman, House Committee




Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.



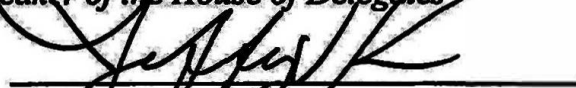
Clerk of the House of Delegates



Clerk of the Senate



Speaker of the House of Delegates



President of the Senate

The within is approved this the 3rd
day of April, 2012.



Governor

PRESENTED TO THE GOVERNOR

MAR 2 / 2012

Time 1:30 pm